

AMENDED IN SENATE APRIL 29, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 13, 2010

SENATE BILL

No. 1174

**Introduced by Senator Wolk
(Principal coauthor: Senator Price)**

February 18, 2010

An act to add Section 65302.10 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as amended, Wolk. Land use: general plan: disadvantaged unincorporated communities.

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including, among others, a housing element for the preservation, improvement, and development of the community's housing.

This bill would require, prior to January 1, 2013, and thereafter upon each revision of its housing element, a city or county to review and update one or more elements of its general plan, as necessary to address the presence of island, fringe, or legacy unincorporated communities, as defined, inside or near its boundaries, and would require the updated general plan to include specified information. This bill would also require the city or county to make a diligent effort to involve all members of the public in preparing the review and update of the general

plan. By adding to the duties of city and county officials, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Hundreds of disadvantaged unincorporated communities,
4 commonly referred to as “colonias,” exist in California. There are
5 more than 200 of these communities in the San Joaquin Valley
6 alone. Many of these communities are geographically isolated
7 islands, surrounded by the city limits of large and medium-sized
8 cities.

9 (2) Conditions within these disadvantaged unincorporated
10 communities evidence a distinct lack of public and private
11 investment that threatens the health and safety of the residents of
12 these communities and fosters economic, social, and educational
13 inequality. Many of these communities lack basic infrastructure,
14 including, but not limited to, streets, sidewalks, storm drainage,
15 clean drinking water, and adequate sewer service.

16 (b) It is the intent of the Legislature to encourage investment in
17 these communities and address the complex legal, financial, and
18 political barriers that contribute to regional inequity and

1 infrastructure deficits within disadvantaged unincorporated
2 communities.

3 SEC. 2. Section 65302.10 is added to the Government Code,
4 to read:

5 65302.10. (a) As used in this section, the following terms shall
6 have the following meanings:

7 (1) “Disadvantaged unincorporated community” means a fringe,
8 island, or legacy community in which the median household
9 income is 80 percent or less than the statewide median household
10 income.

11 (2) “Unincorporated fringe community” means any inhabited
12 and unincorporated territory that is within a city’s sphere of
13 influence.

14 (3) “Unincorporated island community” means any inhabited
15 and unincorporated territory that is surrounded or substantially
16 surrounded by one or more cities or by one or more cities and a
17 county boundary or the Pacific Ocean.

18 (4) “Unincorporated legacy community” means a geographically
19 isolated community that is inhabited and has existed for at least
20 50 years.

21 (b) Prior to January 1, 2013, and thereafter upon each revision
22 of its housing element made pursuant to Section 65588, the
23 legislative body of a city or county shall review and update one
24 or more elements of its general plan as necessary to include data
25 and analysis, goals, implementation measures, policies, and
26 objectives to address the presence of unincorporated island, fringe,
27 or legacy communities inside or near its boundaries, and the
28 updated general plan shall include all of the following:

29 (1) In the case of a city, an identification of each unincorporated
30 island or fringe community, or in the case of a county, of each
31 legacy community. This identification shall include a description
32 of the community and a map designating its location.

33 (2) For each identified community, an analysis of all of the
34 following:

35 (A) The extent to which households in the community lack
36 access to sanitary sewer service.

37 (B) The extent to which households in the community lack
38 access to municipal water service.

39 (C) The extent to which the community lacks one or more of
40 the following:

- 1 (i) Paved roads.
- 2 (ii) Storm drainage.
- 3 (iii) Sidewalks.
- 4 (iv) Street lighting.

5 (3) An analysis of the city's or county's current programs and
6 activities to address the conditions or deficiencies described in
7 paragraph (2), and an identification of any constraints to addressing
8 those conditions or deficiencies. The analysis shall evaluate
9 whether annexation of, or extension of service to, any identified
10 island or fringe community is appropriate.

11 (4) A statement setting forth the city's or county's specific,
12 quantified goals for eliminating or reducing the conditions or
13 deficiencies described in paragraph (2) and found to be present in
14 an unincorporated island, fringe, or legacy community within or
15 proximate to the boundaries of the city or county.

16 (5) A set of flexible implementation measures designed to carry
17 out the goals described in paragraph (4), including an identification
18 of resources and a timeline of actions.

19 (c) In preparing the review and update required by this section,
20 the city or county shall make a diligent effort to involve all
21 members of the public, including, but not limited to, residents of
22 the island, fringe, or legacy communities.

23 ~~SEC. 3. No reimbursement shall be made pursuant to Part 7~~
24 ~~(commencing with Section 17500) of Division 4 of Title 2 of the~~
25 ~~Government Code for costs mandated by the state pursuant to this~~
26 ~~act. It is recognized, however, that a local agency or school district~~
27 ~~may pursue any remedies to obtain reimbursement available to it~~
28 ~~under Part 7 (commencing with Section 17500) and any other~~
29 ~~provisions of law.~~

30 *SEC. 3. No reimbursement is required by this act pursuant to*
31 *Section 6 of Article XIII B of the California Constitution because*
32 *a local agency or school district has the authority to levy service*
33 *charges, fees, or assessments sufficient to pay for the program or*
34 *level of service mandated by this act, within the meaning of Section*
35 *17556 of the Government Code.*